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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,863	08/20/2001	Kazuhiko Nobe	Q65711	3533

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EXAMINER

MENDOZA, ROBERT J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/931,863

Applicant(s)

NOBE ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 & 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Information Disclosure Statement**

The information disclosure statement filed 04/26/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The body structure of claims 4 and 5 are identical to the body of claim 3 and they can only be distinguished by their preambles. Therefore, claims 4 and 5 are not given patentable weight because they provide the same function as claim 3.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al.

(USPN 6,227,968).

Claims 4 and 5 are not given patentable weight, as discussed above, and are considered part of an entire system that performs the claimed function disclosed by the applicant. Suzuki discloses a game system for providing each of a first player and a second player with a game allowing a player to enjoy operation of the game using a controller according to game music comprising timing acquisition means for acquiring game operation timing at which each of the first player and the second player operates the game, a timing data memory means memorizing timing data defining game operation timing at which each of the first player and the second player is required to operate the game, a timing guidance means for presenting the game operation timing defined by the timing data to each of the first player and the second player, a game operation evaluation means for verifying the game operation timing acquired by the timing acquisition means with game operation timing defined by the timing data to evaluate game operation by each of the first and the second player, and a operation changing means for presenting game operation timing different from the game operation timing defined by the timing data to at least one of the first player and the second player based on a result of evaluation made by the game operation evaluation means by disclosing in col. 15:4-15, the construction is formed in such a way that the guidance means comprises stepping operation instruction content storage means for storing a plurality of types of stepping operation instruction contents having different levels of difficulty, and a stepping operation instruction having a level of difficulty corresponding to the evaluation result from the evaluation means is selectively output from the

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stepping operation instruction content storage means. This makes it possible to provide a stepping operation instruction of a level corresponding to the dancing ability of the player, making it possible for both a novice and an experienced person to enjoy this game. Suzuki discloses the timing guidance means shows each of the first and the second player a first operation timing instruction image and a plurality of second operation timing instruction images gradually approaching the first operation timing instruction image displayed on a display screen, to thereby show a state in which game operation timing is arriving, and the operation timing change means increases or decreases a number of second operation timing instruction images approaching the first operation timing instruction image with respect to the first player or the second player, to thereby increase or decrease a number of game operation timing to be presented to the first player and the second player by disclosing in col. 9:60-67 & 1-5 and col. 42-48, when the initial two sets of data of the stepping position indication data is set, one set of data of them is scrolled and displayed as the stepping position indication mark M on the display surface in such a manner as to be superposed on the background dance image D. When the scroll display of each stepping position indication mark is started, a monitoring process by the amount-of-deviation detection/totaling section is performed. When the score is 20 points, for the one set of data to be set next, one set of data whose level of difficulty is decreased by one rank with respect to this rank is set, and also for the dance image D to be set next, a dance image whose level of difficulty is decreased by one rank with respect to this rank is set.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to dance game systems:


USPN 6,116,908 Takai discloses a dance training device..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM

RM  
December 27, 2002

  
Joe H. Cheng  
Primary Examiner